

HOUSE JOURNAL
OF THE
NINETY-FOURTH GENERAL ASSEMBLY
STATE OF TENNESSEE
Organizational Session
Tuesday, January 8, 1985

FIRST ORGANIZATIONAL DAY

The House of Representatives of the Ninety-Fourth General Assembly of Tennessee was called to order at twelve o'clock noon by Mr. Speaker McWherter, in accordance with Article II, Sections 3 and 8 of the Constitution of the State of Tennessee.

The proceedings were opened with prayer by Reverend Susan Gardner, First Methodist Church, Crossville, Tennessee.

Representative Duer led the House in the Pledge of Allegiance to the Flag.

The Speaker directed Mr. Bryant Millsaps, Chief Clerk of the House of Representatives, 93rd General Assembly, to call the names, by district, of the duly-elected Representatives who have been certified by the Secretary of State.

The following Representatives-elect were present:

REPRESENTATIVES BY DISTRICTS

First Representative District--Dana E. Moore

Second Representative District--Ruth C. Montgomery

TUESDAY, JANUARY 8, 1985--1st ORGANIZATIONAL DAY

Third Representative District--Ralph Yelton

Fifth Representative District--Zane C. Whitson, Jr.

Sixth Representative District--Ruth M. Robinson

Seventh Representative District--James McCroskey

Eighth Representative District--Joe L. Bewley

Ninth Representative District--Bruce Hurley

Tenth Representative District--Edward H. Moody

Eleventh Representative District--Ronald Earl Davis

Twelfth Representative District--Larry C. Huskey

Thirteenth Representative District--Ted Ray Miller

Fourteenth Representative District--Joe May

Fifteenth Representative District--Charles "Pete" Drew

Sixteenth Representative District--Charles M. Severance, Sr.

Seventeenth Representative District--Paul C. Scruggs

Eighteenth Representative District--Maria Peroulas

Nineteenth Representative District--Jimmy Kyle Davis

Twentieth Representative District--Arthur M. Swann

Twenty-first Representative District--M. F. "Benny" Stafford

Twenty-second Representative District--Bob E. Harrill

Twenty-third Representative District--Clyde B. Webb

Twenty-fourth Representative District--Steve D. Bivens

Twenty-fifth Representative District--Shirley Duer

Twenty-sixth Representative District--Bobby G. Wood

Twenty-seventh Representative District--Bill H. McAfee

Twenty-eighth Representative District--C. B. Robinson

Twenty-ninth Representative District--Brenda K. Turner

Thirtieth Representative District--David Y. Copeland, III

TUESDAY, JANUARY 8, 1985--1st ORGANIZATIONAL DAY

Thirty-first Representative District--Paul M. Starnes
Thirty-second Representative District--James M. Henry
Thirty-third Representative District--Randy McNally
Thirty-fourth Representative District--Thomas C. Wheeler
Thirty-fifth Representative District--Lynn G. Lawson
Thirty-sixth Representative District--Jerry Cross
Thirty-seventh Representative District--Shelby A. Rhinehart
Thirty-eighth Representative District--Leslie Winningham
Thirty-ninth Representative District--Ed Murray
Fortieth Representative District--Frank Buck
Forty-first Representative District--S. Thomas Burnett
Forty-second Representative District--Jerry A. Jared
Forty-third Representative District--Ivory O. Hillis, Jr.
Forty-fourth Representative District--Mayo Wix
Forty-fifth Representative District--Ray Clark
Forty-sixth Representative District--Joe W. Bell
Forty-seventh Representative District--Lane Curlee
Forty-ninth Representative District--Fred R. Hobbs
Fiftieth Representative District--Tim Garrett
Fifty-first Representative District--Robb Robinson
Fifty-second Representative District--Bill Covington
Fifty-third Representative District--Victor Ellis
Fifty-fourth Representative District--Harold M. Love
Fifty-fifth Representative District--Michael D. Murphy
Fifty-sixth Representative District--Steve Cobb
Fifty-seventh Representative District--John Chiles, Jr.
Fifty-eighth Representative District--Charles W. Pruitt

TUESDAY, JANUARY 8, 1985--1st ORGANIZATIONAL DAY

Fifty-ninth Representative District--Dick Clark
Sixtieth Representative District--Ben West, Jr.
Sixty-first Representative District--Cliff Frensley
Sixty-second Representative District--Clarence W. Phillips
Sixty-third Representative District--L. H. Ivy
Sixty-fourth Representative District--J. B. Napier
Sixty-fifth Representative District--C. E. DePriest
Sixty-sixth Representative District--Eugene E. Davidson
Sixty-seventh Representative District--David L. Ussery
Sixty-eighth Representative District--Stan D. Darnell
Sixty-ninth Representative District--Walter M. Work
Seventieth Representative District--Bob Gafford
Seventy-first Representative District--Herman L. Wolfe, Sr.
Seventy-second Representative District--Dan Tankersley
Seventy-third Representative District--Matt Kisber
Seventy-fourth Representative District--William H. Collier
Seventy-fifth Representative District--L. Don Ridgeway
Seventy-sixth Representative District--Ned Ray McWherter
Seventy-seventh Representative District--John S. Tanner
Seventy-eighth Representative District--Don E. Dills
Seventy-ninth Representative District--Ray Davis
Eightieth Representative District--Robert S. Stallings
Eighty-first Representative District--Jimmy Naifeh
Eighty-second Representative District--Floyd H. Crain
Eighty-third Representative District--Joe Kent
Eighty-fourth Representative District--David A. Shirley
Eighty-fifth Representative District--Larry Turner

TUESDAY, JANUARY 8, 1985--1st ORGANIZATIONAL DAY

Eighty-sixth Representative District--Rufus E. Jones

Eighty-seventh Representative District--Roscoe Dixon

Eighty-eighth Representative District--Elbert T. Gill, Jr.

Eighty-ninth Representative District--Pam Gaia

Ninetieth Representative District--Karen R. Williams

Ninety-first Representative District--Lois M. DeBerry

Ninety-second Representative District--Alvin M. King

Ninety-third Representative District--Mike Kernell

Ninety-fourth Representative District--W. A. "Dub" Nance

Ninety-fifth Representative District--U. A. Moore

Ninety-sixth Representative District--Joyce B. Hassell

Ninety-eighth Representative District--Harper Brewer, Jr.

Ninety-ninth Representative District--Dan R. Byrd

The Clerk announced that Representative-elect Bragg, Forty-eighth Representative District; and Representative-elect Frank "Bob" Percy, Fourth Representative District; were excused because of illness; and Representative Chris Turner was excused because of car trouble.

EXPLANATION OF ABSENCE

Dear Mr. Speaker:

As you are aware, I am recuperating from double bypass surgery performed on December 28. Therefore, I am requesting permission to be absent from the legislative session until my recuperation process is completed.

I also request that this letter be spread upon the Journal.

John T. Bragg

The Speaker inquired as to whether any petitions had been received relative to the 99 House District elections.

The Clerk stated that a petition and other pertinent papers had been filed in the 9th District Election captioned Mack Cooper vs. Hancock County Election Commission, Hawkins County Election, and Bruce Hurley.

The Speaker stated that he had earlier appointed an Ad Hoc Committee to look into this matter and called on Representative Jared,

TUESDAY, JANUARY 8, 1985--1st ORGANIZATIONAL DAY

Chairman of the Committee, to give a report.

Representative Jared stated that the Committee had not yet reached a decision in this matter.

OATH OF OFFICE

All Representatives-elect, with the exception of Messrs. Bragg, Percy and Turner, C. (Shelby), stood and were administered the Oath of Office prescribed by the Honorable Chief Justice Cooper, Chief Justice of the Tennessee Supreme Court.

ADOPTION OF TEMPORARY RULES

Mr. Naifeh moved that the House of Representatives of the Ninety-Fourth General Assembly adopt as its temporary rules, the rules of the House of Representatives of the Ninety-Third General Assembly.

Mr. Henry seconded the motion.

Thereupon, Mr. Naifeh's motion for the adoption of temporary rules prevailed.

Mr. Speaker McWherter announced that the next order of business was the election of Speaker. Therefore, the Speaker relinquished the Chair to Mr. Harper Brewer, Speaker pro tem of the Ninety-Third General Assembly.

ELECTION OF SPEAKER

Mr. Brewer announced that nominations were in order for Speaker of the House of Representatives.

Mr. Jared nominated the Honorable Ned R. McWherter of Weakley County.

Mr. Naifeh seconded the nomination of Mr. McWherter.

Mr. Jared moved that nominations cease and the Clerk be directed to call the roll, which motion prevailed.

The roll was called with the following results:

For Mr. McWherter 95

Representatives voting for Mr. McWherter were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, McAfee, McCroskey, McNally, May, Miller, Montgomery, Moody, Moore

TUESDAY, JANUARY 8, 1985--1st ORGANIZATIONAL DAY

(Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Yelton --95.

Mr. McWherter, having received a majority of the votes cast, was declared duly, legally and constitutionally elected Speaker of the House of Representatives of the Ninety-Fourth General Assembly.

A motion to reconsider was tabled.

Mr. Brewer appointed the following committee to escort Mr. Speaker McWherter to the Chair: Representatives Jared, Chairman; Tanner, DeBerry, Miller, Bewley, Webb and Copeland.

Mr. Speaker McWherter expressed his appreciation.

ELECTION OF SPEAKER PRO TEM

The Speaker announced that the next order of business was the election of a Speaker pro tem, and declared that nominations were in order.

Mr. Jared nominated the Honorable Steve Bivens of Bradley County.

Mr. Webb seconded the nomination of Mr. Bivens.

Mr. Naifeh seconded the nomination of Mr. Bivens.

Mr. Naifeh moved that nominations cease, and that the Clerk be directed to call the roll, which motion prevailed.

The roll was called with the following results:

For Mr. Bivens. 96

Representatives voting for Bivens were: Bell, Bewley, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensey, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, McAfee, McCroskey, McNally, May, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams,

TUESDAY, JANUARY 8, 1985--1st ORGANIZATIONAL DAY

Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

Mr. Speaker McWherter declared Mr. Bivens duly, legally and constitutionally elected Speaker pro tem of the House of Representatives of the Ninety-Fourth General Assembly.

A motion to reconsider was tabled.

Mr. Bivens expressed his appreciation.

ELECTION OF CHIEF CLERK

The Speaker announced the next order of business was the election of Chief Clerk, and declared that nominations were in order.

Mr. Jared nominated the Honorable Bryant Millsaps of Rutherford County.

Mr. Starnes seconded the nomination of Mr. Millsaps.

Mr. Bivens seconded the nomination of Mr. Millsaps.

Mr. Jared moved that nominations cease and Mr. Millsaps be elected by acclamation, which motion prevailed.

Mr. Speaker McWherter declared Mr. Bryant Millsaps elected Chief Clerk of the House of Representatives of the Ninety-Fourth General Assembly, to serve until the convening of the Ninety-Fifth General Assembly.

A motion to reconsider was tabled.

OATH OF OFFICE

Mr. Speaker McWherter administered the oath of office to Mr. Bryant Millsaps of Rutherford County.

The Speaker recognized Mr. Bryant Millsaps for remarks.

Mr. Millsaps expressed his appreciation.

APPOINTMENT OF HOUSE OFFICERS

Mr. Speaker McWherter appointed Miss Alice Yeager of Davidson County as Assistant Chief Clerk.

Mr. Speaker McWherter appointed Mrs. Marilyn Evelyn Hand of Montgomery County as Chief Engrossing Clerk.

Mr. Speaker McWherter appointed Mr. Greg O'Rear of Lawrence County as Chief Sergeant-At-Arms.

TUESDAY, JANUARY 8, 1985--1st ORGANIZATIONAL DAY

Mr. Jared moved that the House approve the appointment of the House Officers, which motion prevailed.

A motion to reconsider was tabled.

OATH OF OFFICE

The Speaker administered the Oath of Office to the House Officers.

APPOINTMENT OF DEPUTY SPEAKER

Mr. Speaker McWherter announced that he had appointed Representative John Bragg of Rutherford County as Deputy Speaker.

APPOINTMENT OF SELECT COMMITTEES

Mr. Jared moved that a committee be appointed by the Speaker to notify the Governor that the House of Representatives has perfected its organization and is ready for the transaction of business, which motion prevailed.

The Speaker appointed the following committee to notify the Governor that the House has perfected its organization and is ready for the transaction of business: Representatives Henry, Chairman; Curlee, Garrett, Ivy, Turner (L. Shelby), West, Winningham, Davis (Knox), Peroulas, Swann and Tankersley.

Mr. Jared moved that a committee be appointed by the Speaker to notify the Senate that the House of Representatives has perfected its organization and is ready for the transaction of business, which motion prevailed.

The Speaker appointed the following committee to notify the Senate: Representatives Naifeh, Chairman; Collier, Cross, Darnell, Hobbs, Ridgeway, May, Lawson, Davis (Cocke), and McCroskey.

REPORTS OF SELECT COMMITTEES

MR. SPEAKER: Your Committee appointed to notify the Governor that the House has perfected its organization and is ready for the transaction of business respectfully reports that we have so notified the Governor.

Henry, Chairman

MR. SPEAKER: Your Committee appointed to notify the Senate that the House has perfected its organization and is ready for the transaction of business respectfully that we have so notified the Senate.

Naifeh, Chairman.

TUESDAY, JANUARY 8, 1985--1st ORGANIZATIONAL DAY

Mr. Naifeh moved that in order to facilitate the adoption of the permanent rules for the House of Representatives of the Ninety-Fourth General Assembly, a committee composed of eleven members be appointed for the purpose of reviewing the temporary rules of the House and making any other suggestions concerning rule changes, following which the Select Committee on Rules shall report to the House their recommendations for permanent rules, which motion prevailed.

APPOINTMENT OF SELECT COMMITTEE ON RULES

The Speaker appointed Representatives Naifeh, Chairman; Jared, Wheeler, Dills, Bivens, Murray, Gill, Henry, Clark (Sumner), Scruggs, Copeland and Mr. Speaker McWherter, as the Select Committee on Rules. Mr. Bryant Millsaps, Chief Clerk, will serve as Secretary of the Committee.

Mr. Naifeh announced that the Select Committee on Rules will meet today at 2:30 p.m.

Ms. DeBerry requested that Mr. Naifeh detail changes in rules for the 94th Session and report back to the House.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed by the Senate to notify the House that the Senate has perfected its organization and is ready for the transaction of business.

The Honorable John S. Wilder of Fayette County was elected Speaker of the Senate. The Speaker appointed Mr. Clyde W. McCullough, Chief Clerk; Mrs. Daisy Hamlin, Assistant Chief Clerk and Mrs. Elsie Chastain Smith, Chief Engrossing Clerk.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senator Owen, Chairman, and a committee from the Senate notified the House that the Senate was organized and ready for the transaction of business.

SECOND ROLL CALL

A roll call was taken with the following results:

Present 96

Representatives present were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cooke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, McAfee, McCroskey,

TUESDAY, JANUARY 8, 1985--1st ORGANIZATIONAL DAY

McNally, May, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --96.

INTRODUCTION OF RESOLUTION

House Joint Resolution No. 1--Relative to naming certain bridge, Van Buren County--By Rhinehart.

The Speaker announced that House Joint Resolution No. 1 lies over.

INTRODUCTION OF BILLS

House Bill No. 1--To make certain provision, credit life insurance--By Robinson (Davidson), Buck and Yelton.

Passed first consideration.

House Bill No. 2--To provide for reimbursement of indigent health care costs--By Cobb.

Passed first consideration.

House Bill No. 3--To provide for waiver of tax enforcement--By Miller.

Passed first consideration.

House Bill No. 4--To prohibit transportation of opened containers, alcoholic beverages--By Nance.

Passed first consideration.

House Bill No. 5--To amend Section 61-2-125 (a) (2), Code--By Cobb.

Passed first consideration.

House Bill No. 6--To require certain prisoners to reimburse costs of incarceration--By Bragg.

Passed first consideration.

House Bill No. 7--To require prisoners to reimburse costs to state--By Bragg.

TUESDAY, JANUARY 8, 1985--1st ORGANIZATIONAL DAY

Passed first consideration.

House Bill No. 8--To require use of passenger restraint devices
--By Bragg.

Passed first consideration.

House Bill No. 9--To make certain provisions, severance tax--By
Rhinehart.

Passed first consideration.

House Bill No. 10--To make certain provisions, alcohol content
measurement--By Rhinehart.

Passed first consideration.

On motion of Mr. Naifeh, the House adjourned until 9:30 a.m.
tomorrow.